

REMARKS

Favorable reconsideration and allowance are respectfully requested. Claims 1-40 are pending. By this amendment, the claim amendments made in the December 23, 2005 Amendment have been clarified by striking through text that was previously deleted by brackets. No new amendments to the claims or specification have been made and claims 1-40 remain pending and at issue.

Double Patenting Rejection(s)

Claims 1-39 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-30 of copending application USSN 10/734039 (referred to as the " '177 application"). Moreover, claims 1-39 also stand provisionally rejected for obviousness-type double patenting as allegedly unpatentable over claims 1-26 of USSNs 11/122,515 (the " '515" application). Applicants note that the instant application is otherwise in condition for allowance, whereas the '177 and '515 applications remain pending. Therefore, the MPEP provides that the instant application should be allowed to issue and the double patenting rejections may be maintained in the '177 and '515 applications. Therefore, the double patenting rejections based on the '177 and '515 applications should not be an impediment to the allowance of the instant application.

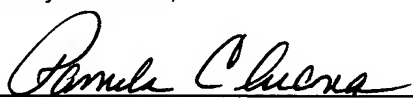
Claims 1-39 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-48 of copending application USSN 11/127,809 (the " '809" application"). Applicants note that the '809 application has been allowed and Applicants paid the issue fee in the '809 application on May 3, 2006. Therefore, without conceding the propriety of the instant rejection and purely in the interests of advancing prosecution in this case, this amendment is accompanied by a Terminal Disclaimer as to the '809 application.

CONCLUSION

Favorable consideration of the foregoing amendments, remarks, and attachments are respectfully requested. If, after consideration of this Amendment the Examiner maintains that there are issues that remain an impediment to allowance, he is invited to telephone the undersigned to discuss such matters.

Respectfully submitted,

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